

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARGARET P. CONLIFFE, *pro se*,

Plaintiff,

-against-

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.
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ORDER DENYING
IN FORMA PAUPERIS STATUS
WITHOUT PREJUDICE
11-CV-2537 (DLI)

DORA L. IRIZARRY, U.S. District Judge:

Plaintiff Margaret P. Conliffe, appearing *pro se*, brings this action pursuant to section 205(g) and/or section 1631(c)(3) of the Social Security Act, as amended 42 U.S.C. § 405(g) and/or § 1383(c)(3). Plaintiff seeks to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, but she has submitted an insufficient financial declaration application (*i.e.*, the “*Application to proceed in District Court without prepaying fees or costs*” or IFP application).

Under 28 U.S.C. § 1914, the filing fee to commence a civil action is \$350. Under 28 U.S.C. § 1915, the Court may waive the filing fee upon finding a plaintiff indigent. Section 1915 authorizes a court to dismiss a case brought by a plaintiff requesting to proceed *in forma pauperis* if the allegation of poverty is untrue. 28 U.S.C. § 1915(e)(2)(A); Cucco v. United States Bureau of Prisons, 328 F.Supp. 2d 463, 467 (S.D.N.Y. 2004); Hobbs v. County of Westchester, et al., No. 00 Civ. 8170 (JSM), 2002 WL 868269, at *1 (S.D.N.Y. May 3, 2002). The Court finds plaintiff’s IFP application to be insufficient. The application indicates that plaintiff is not earning any wages, receiving public benefits or income from any other source. Plaintiff claims to have no money in either a checking or savings account and notes that she has no living expenses. The Court finds it difficult to accept that plaintiff manages to survive without any income or support of any kind.

Accordingly, the IFP application is denied without prejudice.

The Court grants plaintiff leave to file an amended IFP application NO LATER THAN JULY 5, 2011; alternatively plaintiff must pay the \$350 filing fee to the Clerk of Court of the Eastern District of New York NO LATER THAN JULY 5, 2011. A new application form has been attached to this Order. If plaintiff fails to submit an amended IFP application or fails to remit the filing fee within the time allowed, the action shall be dismissed.

The Clerk of Court is directed to mail a copy of this order to the pro se plaintiff by certified mail with return receipt.

SO ORDERED.

Dated: Brooklyn, NY
June 13 , 2011

/s/
DORA L. IRIZARRY
United States District Judge